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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,478	12/26/2000	Hsi-Peng Lu	P66223US0	9026

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JACOBSON HOLMAN PLLC
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WASHINGTON, DC 20004

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,478

Applicant(s)

LU, HSI-PENG

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the communication filed on December 26, 2000, which paper has been placed of record in the file.
2. Claims 1-14 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al (herein after Blonder), U.S. Patent No. 5,708,422, in view of Griffith, U.S. Patent No. 6,195,541.

Regarding claim 1, Blonder discloses a payment method in transaction to build up a payment mechanism among a customer, a merchant, a transaction identification center, and a financial organization by means of a mobile communication device, the method comprising the steps of:

customer providing a customer code issued by the transaction identification center to the merchant for undergoing a transaction (column 11, lines 20-30, the customer provides a credit card number issued by the transaction processing center which is associated with the credit card service provider to the retailer);

merchant presenting an invoicing request to the transaction identification center by means of the mobile communication device and inputting a merchant code, the customer code and consumed money to the transaction identification center (column 5, lines 5-18 and column 11, line 60-column 12, line 10, the retailer transmits a purchase request includes a merchant code, the customer's credit card number, request amount to the transaction processing center; column 4, lines 55-60, the retailer communicates with the transaction processing center by means of an automatic dialing unit include in card reader);

transaction identification center presenting a payment request to the customer with the merchant name and the consumed money for consent (column 13, lines 8-22, the transaction processing center presents a payment request with the identity of the retailer and the mount of the purchase to the customer);

the customer inputting the transaction code to show the consent of this transaction or pressing a predetermined button for cancellation (column 14, lines 1-22, the customer inputs the confirmation code issued by the transaction processing center into the card reader at the retailer); and

the transaction identification center confirming the input transaction code (column 14, lines 22-30, and generating an authorization code to the merchant to show the recognition of this transaction (column 14, lines 23-35, 43-65 and column 15, lines 5-27, the transaction processing center confirms the input confirmation code), the transaction processing center generates an authorization code and it to the retailer).

Blonder does not disclose the customer provide a customer code (e.g. credit card number) to the retailer by using the mobile communication device (e.g. mobile phone or personal digital assistant). However, Griffith discloses the customer provide a customer code (e.g. credit card number) to the retailer by using the mobile communication device (e.g. mobile phone or personal digital assistant) (column 3, lines 5-55). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Blonder's to allow the customer provides customer's credit card number to the retailer by using the mobile communication device as taught by Griffith for the purpose of improving the security because the customer does not need to carry credit cards which can be lost or stolen.

Regarding claims 2-3, Blonder does not disclose the mobile communication device for the customer is a mobile phone or a personal digital assistance. However, Griffith discloses the mobile communication device for the customer is a mobile phone or a personal digital assistance (column 3, lines 5-30, also see claim 1 for details motivation). Blonder discloses the communication between the transaction identification center and the customer is performed by a voice mail system (column 8, lines 12-52).

Regarding claim 4, Blonder discloses the mobile communication device for the merchant is a telephone (column 4, lines 55-60, the automatic dialing unit included in the card reader at the retailer's location functions as a telephone for dialing a telephone number of the card issuer).

Regarding claim 7, Blonder discloses the merchant is a real merchant (column 4, lines 52-55).

Claim 8 contains the same limitations found in claim 1 above, therefore, is rejected by the same rationale. Moreover, Blonder discloses recording the transaction information in a financial organization for sending this information regularly to the customer (column 1, lines 63-67).

5. Claims 5, 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al (herein after Blonder), U.S. Patent No. 5,708,422, in view of Griffith, U.S. Patent No. 6,195,541, and further in view of Johnson, U.S. Patent No. 6,535,726.

Regarding claims 5, 6, 12, and 13, Blonder and Griffith do not disclose the mobile communication device for the merchant is a mobile telephone or a computer capable of connecting with the Internet. However, Johnson discloses the mobile communication device for the merchant is a mobile telephone or a computer capable of connecting with the Internet (column 4, lines 1-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Blonder's modified by Griffith's to include the feature for the purpose of providing the retailer system many different communication devices such as mobile phone or computer connected to the Internet as convenient to each retailer, in order to contact the transaction processing center for authorization transaction.

Conclusion

6. Claims **1-14** are rejected.

7. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Griffith (US 6,195,542) discloses a method for using a wireless telephone to make transaction at POS terminal.

Talati et al. (US 5,903,878) disclose a method for providing validated electronic commerce transactions between the customer, the merchant, and the transaction center.

Vatanen (US 6,169,890) discloses a method for performing transaction using a mobile telephone system.

Joao et al. (US 6,529,725) disclose a method and apparatus for transaction security.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

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Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

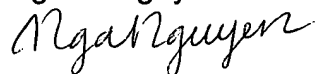
or

(703) 308-3691 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



May 14, 2004